

Form PTO-1390

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

INTERNATIONAL APPLICATION NO.
PCT/EP2004/051234

INTERNATIONAL FILING DATE
24 June 2004

EXPRESS MAIL LABEL NO.:

ATTORNEY'S DOCKET NUMBER: **04156.0021U1**

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

10/562,248

PRIORITY DATE CLAIMED

24 June 2003

**TITLE OF INVENTION: DIRECTED SELECTIVE SOLID-PHASE CULTURING OF STABLE MICROBIAL MIXED
POPULATIONS FOR THE CONTINUOUS PREPARATION OF DEFINED ENZYME AND METABOLITE MIXTURES**

APPLICANT(S) FOR DO/EO/US:

Udo HÖLKER, Martina JANSSEN and Jürgen LENZ

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

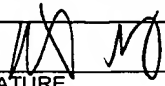
11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825. The contents of the paper copy and the computer-readable form of the Sequence Listing submitted herewith are the same and include no new matter, as required by 37 C.F.R. 1.821(f).
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. Other items or information: Response to Notification of Missing Requirements

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.


 Robert A. Hodges


 Date

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/562,248		INTERNATIONAL APPLICATION NO. PCT/EP2004/051234		ATTORNEY DOCKET NUMBER 04156.0021U1	
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input type="checkbox"/> Basic national fee \$300.00				\$ 0.00	
22. <input checked="" type="checkbox"/> Examination fee					
If written opinion prepared by ISA/US or the IPER prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$ 0.00				\$ 200.00	
All other situations \$200.00					
23. <input checked="" type="checkbox"/> Search Fee					
If written opinion prepared by ISA/US or the IPER prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$ 0.00				\$ 400.00	
If Search fee (37 CFR 1.445(a)(2) in International Application to USPTO as ISA \$100.00					
ISR prepared by an ISA other than the US and provided to USPTO \$400.00					
All other situations \$500.00					
TOTAL OF 21, 22 AND 23 =				\$ 600.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	No. of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100	/ 50 =	0	X \$250	\$ 0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	[53] - 20 =	33	X \$50.00	\$ 1650.00	
Independent claims	[1] - 3 =	0	X \$200.00	\$ 0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$ 0.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 2380.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2				\$ 1190.00	
SUBTOTAL =				\$ 1190.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 months <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ 0.00	
TOTAL NATIONAL FEE =				\$ 1190.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) \$40.00 per property				\$ 0.00	
TOTAL FEES ENCLOSED =				\$ 1190.00	
				Amount to be refunded:	\$
				charged:	\$
<p>a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No.14-0629 in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account No. 14-0629. A duplicate copy of this sheet is enclosed.</p> <p>d. <input checked="" type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>e. <input checked="" type="checkbox"/> Pursuant to 37 C.F.R. §1.136(a)(3), the Commissioner is hereby requested and authorized to treat any concurrent or future reply in the above-identified application, requiring a petition for an extension of time for its timely submission, as incorporating a petition for extension of time for the appropriate length of time.</p>					
<p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b) must be filed and granted to restore the application to pending status.</p>					
<p>SEND ALL TO THE ADDRESS ASSOCIATED WITH: : Customer No. 23859</p> <div style="text-align: right;">  SIGNATURE Robert A. Hodges NAME 41,074 REGISTRATION NUMBER </div>					

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
HÖLKER, et al.)	Art Unit: unassigned
)	
Application No. 10/562,248)	Examiner: unassigned
)	
International Filing Date: June 24, 2004)	Confirmation No. 6037
)	
For: DIRECTED SELECTIVE SOLID-PHASE)	
CULTURING OF STABLE MICROBIAL)	
MIXED POPULATIONS FOR THE CON-)	
TINUOUS PREPARATION OF DEFINED)	
ENZYME AND METABOLITE MIXTURES)	

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer Number 23859

Sir:

In response to the Notification of Missing Requirements mailed October 6, 2006 in
the above-referenced patent application, enclosed are:

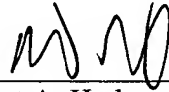
1. an executed Declaration and Power of Attorney;
2. a copy of the Notification of Missing Requirements;
3. Second Transmittal Letter to DO/EO/US Concerning 371 filing; and
4. Return Postcard.

ATTORNEY DOCKET NO. 04156.0021U1
Application No. 10/562,248

A Credit Card Payment Form PTO-2038 authorizing small entity payment in the amount of \$1,190.00, representing \$100 for examination fee under 37 C.F.R. § 1.492 (c)(1), \$200 for search fee under 37 C.F.R. § 1.492(b)(2), a \$65.00 surcharge for late filing of Declaration under 37 C.F.R. § 1.492(h), \$825 extra claim fee (33 claims over 20), a Second Transmittal Letter Concerning Filing Under 35 U.S.C. 371, this Response to Notification of Missing Requirements and Return Postcard are enclosed. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

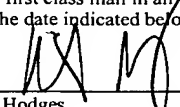


Robert A. Hodges
Registration No. 41,074

NEEDLE & ROSENBERG, P.C.
Customer Number 23859
(678) 420-9300
(678) 420-9301 (fax)

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.


Robert A. Hodges

10/25/2006
Date



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/562,248	FIRST NAMED APPLICANT NEEDLE & ROSENBERG Udo Holker	ATTY. DOCKET NO. 04156.0021U1
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OCT 13 2006

23859
 NEEDLE & ROSENBERG, P.C.
 SUITE 1000
 999 PEACHTREE STREET
 ATLANTA, GA 30309-3915

NEEDLE & ROSENBERG

INTERNATIONAL APPLICATION NO. PCT/EP04/51234	
I.A. FILING DATE 06/24/2004	PRIORITY DATE 06/24/2003

CONFIRMATION NO. 6037

371 FORMALITIES LETTER



OC000000020722790

Date Mailed: 10/06/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 12/22/2005
- English Translation of the IA filed on 12/22/2005
- Copy of the International Search Report filed on 12/22/2005
- Copy of IPE Report filed on 12/22/2005
- Preliminary Amendments filed on 12/22/2005
- U.S. Basic National Fees filed on 12/22/2005
- Priority Documents filed on 12/22/2005

RAH/PBG/MJC

Needle & Rosenberg	
By <i>KLA</i>	DOCKETED <i>10/13/06</i>
Reviewed <i>10.23.06</i>	Home/Date
Scanned	

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$825 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$1190** for a Small Entity:

- **\$65 Surcharge.**
 - The application search fee has not been paid. Applicant must submit **\$200** to complete the search fee. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
 - The application examination fee has not been paid. Applicant must submit **\$100** to complete the examination fee for a small entity in compliance with 37 CFR 1.27. Note a surcharge will be required if submitted later than commencement of the national stage (37 CFR 1.492(h)) and the basic national fee was not paid before July 1, 2005.
- Total additional claim fee(s) for this application is **\$ 825**
 - **\$825** for **33** total claims over 20.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

ANITA D JOHNSON

Telephone: (703) 308-9140 EXT 226

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/562,248	PCT/EP04/51234	04156.0021U1